

FW



In re: application of:

Group Art Unit: 3731

Examiner: UNKNOWN

Serial No.: 10/815,394

**CERTIFICATE OF MAILING BY "EXPRESS MAIL"**  
**"EXPRESS MAIL" Mailing Label No. EV 113359007 US**  
**Date of Deposit: April 12, 2005**

Filing Date: April 1, 2004

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" under 37 CFR 1.10 on the date indicated above and is addressed to: Commissioner For Patents, Mail Stop: IDS, P.O. Box 1450, Alexandria, VA 22313-1450

For: SURGICAL INSTRUMENT

By: Timothy Hubalik

Commissioner For Patents  
Mail Stop: IDS  
P.O. Box 1450  
Alexandria, VA 22313-1450

Signature of Person Mailing Papers

## TRANSMITTAL LETTER

Dear Sir:

Transmitted herewith for the above-captioned patent application are:

1. Information Disclosure Statement Under 37 C.F.R. §1.97(b);
2. Form PTO/SB/08A Information Disclosure Statement by Applicant with copies of references listed therein, an abstract and a foreign search report; and
3. Postcard acknowledging receipt of same.

If there are any additional fees due in connection with the filing of this Response, please charge the fees to our Deposit Account No. 13-0019.

Respectfully submitted,

By

David M. Thimmig  
Attorney Reg. No. 36,034

Dated: April 12, 2005

MAYER, BROWN, ROWE & MAW LLP  
P.O. Box 2828  
Chicago, IL 60690-2828  
Customer No. 26565  
(312) 701-8593



PATENT  
ATTORNEY DOCKET NO. 04265352

**THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re: application of:

Marcus Braun

Serial No.: 10/815,394

Filing Date: April 1, 2004

For: SURGICAL INSTRUMENT

Commissioner For Patents  
Mail Stop: IDS  
P.O. Box 1450  
Alexandria, VA 22313-1450

) Group Art Unit: 3731  
)  
)

) Examiner: UNKNOWN  
)  
)

CERTIFICATE OF MAILING BY "EXPRESS MAIL"  
"EXPRESS MAIL" Mailing Label No. EV 113359007 US  
Date of Deposit: April 12, 2005

I hereby certify that this paper or fee is being deposited with the  
United States Postal Service "Express Mail Post Office to  
Addressee" under 37 CFR 1.10 on the date indicated above and is  
addressed to: Commissioner For Patents, Mail Stop: IDS, P.O.  
Box 1450, Alexandria, VA 22313-1450

By: Timothy Hubalik

  
Signature of Person Mailing Papers

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97(b)**

Sir:

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the references listed on the attached Form PTO 1449. This Information Disclosure Statement is being filed prior to the mailing of a first Office Action on the merits, and therefore it is believed that no fee is due with this submission.

Copies of the listed documents are attached along with an English language abstract for the non-English document is enclosed. Also enclosed is a copy of a foreign search report.

Applicant respectfully requests that the Examiner consider the listed documents and evidence that consideration of relevant portions thereof by making appropriate notations on the attached form.

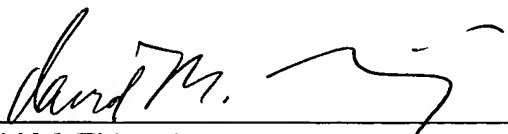
This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed references are material or constitute "prior

art.” If it should be determined that the listed references do not constitute “prior art” under United States law, Applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such references.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this statement, please charge the fee to our Deposit Account No. 13-0019.

Respectfully submitted,

By   
David M. Thimmig  
Attorney Reg. No. 36,034

Dated: April 12, 2005

MAYER, BROWN, ROWE & MAW LLP  
P.O. Box 2828  
Chicago, IL 60690-2828  
(312) 701-8593  
Customer No. 26565